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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,851	12/09/2003	Arnold H. Bramnick	BOC9-2003-0038 (407)	5241
40987 7590 08/23/2007 AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,851	Applicant(s) BRAMNICK ET AL.	
	Examiner Akiba K. Robinson-Boyce	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 6/1/07, the following is a final office action. Claims 1, 2, 9-11, 13, 14 and 20 have been amended. Claims 12, 22 and 23 have been cancelled. Claims 24-26 have been added. Claims 1-11, 13-21 and 24-26 are pending in this application, and have been examined on the merits. Claims 1-11, 13-21 and 24-26 are rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11, and 13-21, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al (US 2003/0225600), and further in view of Gillis (US 2002/0178018 A1).

As per claims 1, 13, Slivka et al discloses:

obtaining passenger data for said passenger ([0034], lines 1-8, passenger information obtained);

comparing the passenger data with one or more rebooking rules, ([0024], function of rules database, w/ [0037], lines 1-9, once PNR information is collected, rules executed);

presenting rebooking flight candidates to said passenger, ([0028], monitor which is used to present a notification of re-accommodations);

Slivka et al does not specifically disclose the following, but does disclose the determination of alternative itineraries based on passenger data in [0044], and subsequently rebooking a passenger as shown in [0046], and discloses an output file, which is accessed by a re-accommodation driver that attempts to rebook as shown in [0045]. Slivka et al also discloses that a personal computer, and a monitor is included in the re-accommodation computer in [0019] and Fig. 1, thereby implying travel accommodations being selected from the personal computer by a passenger.

However, Gillis discloses:

said presented flight candidates selected based upon said comparing step, ([0032], lines 8-10, shows presenting alternative flights);

prompting said passenger to select one of said presented candidates, ([0032], lines 10-17, shows prompting customer to indicate if he approves the alternative flight); and

rebooking said passenger on the selected one of said presented candidates, ([0033], lines 1-9, if customer approved alternative flight, reservation is made).

Gills discloses the above limitations in an analogous art for the purpose of showing that the passenger has the option to make travel selections.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to allow a passenger to select flight candidates, and to rebook the

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passenger based on his selections with the motivation of allowing a passenger to personally select accommodations for ultimate booking.

As per claims 2, 14, 26, Slivka et al discloses that criteria comprises frequent flyer status in Claim 3.

Slivka et al does not specifically disclose the following, but does disclose that a passenger with a higher value is presented with more flight options since there is an advantage of being rebooked for a flight with a flight time closer to the delayed flight, and the passenger with lower passenger value gets booked on a remaining flight that is not as close to the original delayed flight time. In this case, the passenger with the higher value has a greater number of flights to choose from since he is first presented with the closer flight, but then has the option to decline and choose an alternative flight, where the passenger with the lower value only has an option of being booked on the flight that is the next available, thereby making the following obvious:

wherein said presenting step comprises decreasing a number of said rebooking flight candidates presented to said passenger failing to meet criteria for high passenger value...

As per claim 3, 10, 15, 21, Slivka et al discloses:

wherein said passenger data of said passenger is compared to passenger data of at least one other passenger in need of rebooking, and said passenger is offered rebooking flight candidates based upon said comparing step/further comprising means for comparing said flight operations data for said rebooking flight candidates/wherein said re-accommodation engine further determines

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said flight candidates to present based on comparing said flight operations data for said rebooking flight candidates/compares passenger data with flight operations data for said rebooking flight candidates, ([0015], and [0050], compared to other passengers/customers).

As per claims 4/16, Slivka et al discloses:

wherein said passenger data is provided substantially real time, ([0048], real time).

As per claims 5, 7, 17, 19, Slivka et al discloses:

wherein said presenting step comprises presenting high remaining unflown value flight rebooking candidates and not presenting rebooking flight candidates with lower unflown values/wherein said passenger data comprises the remaining unflown ticket value for said passenger ([0052], shows a re-accommodation process where based on passenger value, higher value is booked).

As per claims 6, 18, Slivka et al discloses:

wherein said presenting step comprises offering said passenger incentives for selecting rebooking flight candidates with high remaining unflown value, ([0004], lines 22-26, shows example of rewards).

As per claim 8, Slivka et al discloses:

wherein said passenger data comprises passenger loyalty data, (Claim 3, frequent flyer status).

As per claim 9, Slivka et al discloses:

a data store comprising passenger data, rebooking rules, and flight operations data, said flight operations data comprising flight rebooking candidates for said passenger, ([0019], operation database and passenger database, [0024] rules maintained in profile database); and

a re-accommodation engine having access to said data store for determining one or more of said rebooking flight candidates to present to said passengers based on said passenger data and said rebooking rules, ([0028], monitor to present notification of re-accommodations, w/[0037], lines 1-8, re-accommodation driver);

Slivka et al does not specifically disclose the following, but does disclose the determination of alternative itineraries based on passenger data in [0044], and subsequently rebooking a passenger as shown in [0046], and discloses an output file, which is accessed by a re-accommodation driver that attempts to rebook as shown in [0045]. Slivka et al also discloses that a personal computer, and a monitor is included in the re-accommodation computer in [0019] and Fig. 1, thereby implying travel accommodations being selected from the personal computer by a passenger.

However, Gillis discloses:

one or more user clients for presenting to said passenger rebooking flight candidates determined by said engine and for prompting said passengers to select one of said presented flight candidates, ([0032], lines 8-17, shows presenting alternative flights, and shows prompting customer to indicate if he approves the alternative flight);

Gills discloses the above limitations in an analogous art for the purpose of showing that the passenger has the option to make travel selections.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to allow a passenger to select rebooking flight candidates with the motivation of allowing a passenger to personally select recommendations for ultimate booking.

As per claim 11, Slivka et al discloses:

wherein said re-accommodation engine ranks said flight candidates according to said rebooking rules, (Table 3).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al (US 2003/0225600 A1).

As per claim 24, Slivka et al discloses:

a data store comprising rebooking rules and flight operations data, said flight operations data comprising flight rebooking candidates for said passenger, ([0024] rules maintained in profile database);

a re-accommodation engine for retrieving passenger data and determining one or more of said rebooking flight candidates to present to said passenger based on said

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passenger data and said rebooking rules, ([0028], monitor to present notification of re-accommodations, w/[0037], lines 1-8, re-accommodation driver); and

a telephone-based voice response unit (VRU) for interacting with said passenger, said VRU presenting to said passenger rebooking flight candidates and for prompting said passenger to select one of said presented flight candidates based upon said passenger data, (Claim 8, and Claim 10, wireless telephone message, and voice-based message).

As per claim 25, Slivka et al discloses:

wherein said VRU comprises a text-to-speech system for presenting said flight candidates to said passenger and at least one among a speech recognition system and a dual tone multi-frequency recognizer system for receiving flight selection information from said passenger, (Claim 9, text based messaging, therefore, dual tone multi-frequency recognizer is inherent).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 9, 13, and all claims that depend from them have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'A. R. B.', with a long horizontal flourish extending to the right.

A. R. B.
August 20, 2007